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SENSITIVE
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SUBJECT: NEPAL: CONSTITUTION UNLIKELY TO BENEFIT
"UNTOUCHABLES"

11. (U) Summary: Nepal's most disadvantaged group, the "untouchable" Dalit caste, has successfully organized political and advocacy NGOs over the past two decades, but Nepal's political parties have traditionally limited their political influence. Nepali Dalits are seeking legal protections in the constitution currently being drafted, but political party leaders are preventing the Constituent Assembly from considering Dalit concerns. End Summary.

12. (SBU) Charge met a group of four leading Dalits August 26, including: Bishendra Paswan, Constituent Assembly (CA) member and Chairman, Dalit Janajati Party; Bhakta Bishwakarma, Chair, Nepal National Dalit Social Welfare Association; Moti Nepali, Chairman, Dalit Welfare Association; and Durga Sob, President, Feminist Dalit Organization.

ONE FIFTH OF POPULATION

13. (U) Dalits, or "untouchables", are considered the lowest rung in the Hindu caste hierarchy. They account for approximately 20 percent of the country's population, and are spread across every district. They were quick to tell the Charge they do not consider themselves an ethnic group; there is no ethnic Dalit identity, per se. Instead Dalits are a historically disadvantaged group. They are often the poorest people in a community and have only minimal legal rights. Dalits have the highest poverty levels in Nepal and the lowest literacy rates and life expectancy.

14. (SBU) Durga Soba, from the Dalit Feminist Organization, said Dalits face legal discrimination, such as prohibitions on where they can go. The current interim constitution has provisions prohibiting Dalit discrimination in the public sphere but is worded in such a way that many types of private discrimination still persist, especially in villages where a person's caste is common knowledge.

POLITICALLY ACTIVE BUT INVISIBLE

15. (SBU) Since 1990, numerous Dalit advocacy NGOs have been established across the country. (Note: In 1990 Nepal eased restrictions on establishing non-governmental organizations. End Note.) The NGOs estimated there are currently 12 national-level Dalit organizations and over 500 local organizations. Local-level organizations have focused on

changing social discrimination within villages and districts, while national organizations advocate for legal protections and an end to social discrimination. According to Bhakta Bishwakarma, these organizations are politically involved but do not endorse political parties.

¶6. (SBU) All the guests expressed frustration with the major political parties. They explained how the major parties wooed Dalits during the 2008 elections but have since ignored their concerns. In the 601 member CA there are 49 Dalits. They are in all the major parties--23 Maoists, 11 Communist Party of Nepal-United Marxist Leninists, 9 Nepali Congress (NC) members, and several from smaller parties. However, the guests agreed these CA members were toothless tigers. They were chosen by the parties because they were weak politicians or because their allegiance to the party was stronger than their concern for Dalit issues. Bishwakarma noted that of the 25 political parties, 19 are headed by Brahmins. (Note: Brahmins are Nepal's highest Hindu caste and represent roughly 12 percent of the population. PM M.K. Nepal, NC party leader G.P. Koirala, and Maoist leader Pushpa Kamal Dahal are all Brahmin. End Note.)

¶7. (SBU) Dalit members cannot easily speak out on Dalit issues in the CA. Moti Nepali explained the parties are each allotted specific periods of time for their members to speak, but the party leadership must divide that time amongst its members. None of the parties prioritize Dalit concerns, and any member deviating from the approved talking points will quickly find his or her voice permanently silenced in the CA

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hall. The only CA member free to speak on Dalit issues is Bishwendra Paswan, who is the sole CA member from the Dalit Janajati Party.

¶8. (SBU) While there is a "Dalit Caucus," the group exists in name only, as the large parties do not allow their members to attend Dalit caucus meetings. CA member Paswan said all the parties feign interest in Dalit issues, but tell their members the best way to improve the lives of Dalits is to focus on party ideological agendas. Feminist Dalit leader Sob said Dalit groups strongly believe in peaceful advocacy, which is why no one pays attention.

WANTING CONSTITUTIONAL RIGHTS

¶9. (SBU) Dalit advocacy groups are focused on improving their situation through the new constitution drafting process. Unlike other major demographic groups, Dalits are scattered throughout country, and thus are not advocating a "Dalit state" in a new federal Nepal. The Dalit Welfare Association, in coordination with other Dalit NGOs, has a charter with four major demands for the new constitution, including an end to the culture of "untouchability", providing land to landless Dalits, creating an affirmative-action education program for Dalits, and requiring Dalits to be proportionally represented in all areas of government and in political parties. They are pessimistic this can be accomplished however, as all of the major parties have largely ignored Dalit concerns in the drafting process.

REQUEST U.S. ASSISTANCE

¶10. (SBU) The group thanked the United States for its support of Dalit causes over years, including efforts to hire Dalit employees at the Embassy, creating a Dalit intern program, and USAID assistance programs focused on improving the lives of Dalits. They asked the Embassy to take a more active role in supporting Dalit rights in Nepal, particularly in the drafting of the constitution, but did not respond when Charge asked what specific steps the U.S. government should take to assist.

¶11. (SBU) COMMENT: Dalit marginalization from the

constitution drafting process is a telling indicator of the power wielded by political parties. Political battles within the CA are intense, but they rarely cut across party lines, even on issues of group rights. Equal rights and anti-discrimination concerns will likely be addressed in the constitution, as other powerful ethnic groups and religious groups have similar requests. However, Dalit demands for special programs are unlikely to gather much support.

MOON